

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1306

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17. Missing Persons

Sec. 1. As used in this chapter, "high risk missing person" means a person whose whereabouts are not known and who may be at risk of injury or death. The term includes the following:

- (1) A person who is missing as the result of abduction by a stranger.**
- (2) A person whose disappearance may be the result of the commission of a crime.**
- (3) A person whose disappearance occurred under circumstances that are inherently dangerous.**
- (4) A person who is missing for more than thirty (30) days.**
- (5) A missing person who is in need of medical attention or prescription medication.**
- (6) A missing person who may be at risk due to abduction by a noncustodial parent.**
- (7) A missing person who is mentally impaired.**
- (8) A missing person who is less than twenty-one (21) years of age.**



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(9) A missing person who has previously been the victim of a threat of violence or an act of violence.

(10) A missing person who has been determined by a law enforcement agency to be:

(A) at risk of injury or death; or

(B) a person that meets any of the descriptions in subdivisions (1) through (9).

(11) A missing person who is an endangered adult (as defined in IC 12-7-2-131.3).

Sec. 2. As used in this chapter, "law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. The term does not include the inspector general or the attorney general.

Sec. 3. A law enforcement agency receiving a report of a missing:

(1) child less than eighteen (18) years of age shall comply with the requirements of IC 31-36-2; or

(2) endangered adult (as defined in IC 12-7-2-131.3) shall comply with the requirements of IC 12-10-18;

in addition to the procedures described in this chapter.

Sec. 4. A law enforcement agency shall accept immediately a report made in person concerning a missing person, including if one (1) or more of the following circumstances apply:

(1) The missing person is an adult.

(2) It does not appear that the person's disappearance is the result of a crime.

(3) It does not appear that the missing person was within the jurisdiction served by the law enforcement agency at the time the person went missing. However, the law enforcement agency shall advise the person reporting the missing person to make the report to a law enforcement agency that has jurisdiction in the place that the missing person was last seen, or, if that place is unknown, to a law enforcement agency that has jurisdiction in the place where the missing person resides.

(4) It appears that the missing person's disappearance may be voluntary.

(5) The person reporting the missing person is unable to provide all the information requested by the law enforcement agency.

(6) The person reporting the missing person does not have a familial relationship with the missing person.

Sec. 5. A law enforcement agency may accept a missing person

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report that is not made in person, including a report made by telephone, by electronic mail, by means of the Internet, or in another manner, if accepting the report is otherwise consistent with the practices of the law enforcement agency.

Sec. 6. (a) Upon receipt of a report of a missing person, a law enforcement agency shall attempt to gather relevant information that will assist in locating the missing person. This information must include the following, if available:

- (1) The name of the missing person, including any aliases.
- (2) The date of birth of the missing person.
- (3) Any identifying marks, such as a birthmark, mole, tattoo, or scar.
- (4) The height and weight of the missing person.
- (5) The gender of the missing person.
- (6) The race of the missing person.
- (7) The color of the missing person's hair at the time of the disappearance, and, if applicable, the natural color of the missing person's hair.
- (8) The eye color of the missing person.
- (9) Any prosthetic devices or surgical or cosmetic implants that the missing person may have.
- (10) Any physical anomalies of the missing person.
- (11) The blood type of the missing person.
- (12) The driver's license number of the missing person.
- (13) A recent photograph of the missing person.
- (14) A description of the clothing that the missing person was wearing when last seen.
- (15) A description of any other items, including jewelry or other accessories, that the missing person may have possessed at the time of the disappearance.
- (16) Contact information for the missing person, including electronic mail addresses and cellular telephone numbers.
- (17) Why the person submitting the report believes that the missing person is missing.
- (18) The name and location of the missing person's school or employer.
- (19) The names and locations of the missing person's dentist and physician.
- (20) Any reason to believe that the missing person's disappearance was not voluntary.
- (21) Any reason to believe that the missing person may be in danger.

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(22) A detailed description of the missing person's vehicle.

(23) Information concerning:

(A) the person with whom the missing person was last seen; or

(B) a possible abductor.

(24) The date of last contact with the missing person.

(25) Any other information that will assist in locating the missing person.

(b) A law enforcement agency shall determine as soon as possible after receipt of a report of a missing person whether the missing person is a high risk missing person. If a law enforcement agency determines that a missing person is not a high risk missing person and new information suggests that the missing person may be a high risk missing person, the law enforcement agency shall make a new determination as to whether the person is a high risk missing person.

(c) A law enforcement agency that determines after a diligent investigation that a missing person is either voluntarily missing or not missing may stop the investigation.

(d) A law enforcement agency stopping an investigation under subsection (c) must document the investigative steps and the results of the investigation that led to the conclusion that the person reported missing is either voluntarily missing or not missing.

(e) A law enforcement agency that stops an investigation under subsection (c) may not disclose the location of the missing person to the person who made the missing person report if the missing person requests that the information not be disclosed.

Sec. 7. If requested by the person making a report of a missing person, a law enforcement agency shall inform the person making the report, a family member of the missing person, and any other person whom the law enforcement agency believes may be helpful in locating the missing person of the following:

(1) The general procedure for handling missing person cases.

(2) The approach the law enforcement agency intends to pursue in the case, if, in the opinion of the law enforcement agency, disclosure would not adversely affect its investigation.

(3) That additional information may be required if the missing person is not promptly located or if additional information is discovered in the course of the investigation. The law enforcement agency shall describe the additional information that may be helpful, if this information is known.

(4) That the National Center for Missing and Exploited

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Children (if the missing person is a child) or the National Center for Missing Adults (if the missing person is an adult) may provide additional resources. The law enforcement agency shall provide contact information for the appropriate organization.

Sec. 8. (a) If a missing person has not been located thirty (30) days after the date of the missing person report, the law enforcement agency that received the report may obtain, if available, the following information and material:

- (1) An authorization from the missing person's family to release dental records or skeletal x-rays of the missing person.
- (2) Additional photographs that may assist in locating the missing person.
- (3) Dental records or skeletal x-rays of the missing person.

(b) A health care provider (as defined in IC 16-18-2-163) that discloses information in good faith under subsection (a) is immune from civil liability for disclosing the information. This subsection does not apply to acts or admissions amounting to gross negligence or willful or wanton misconduct.

(c) A law enforcement agency may obtain the information described in subsection (a) even if thirty (30) days have not elapsed from the date of the missing person report.

(d) Notwithstanding subsection (a), this section does not permit a law enforcement agency to obtain information or material without a search warrant or another judicial order that would otherwise be required to obtain the information or material.

Sec. 9. (a) Information that is relevant to the Violent Criminal Apprehension Program operated by the Federal Bureau of Investigation shall be reported as soon as possible.

(b) The law enforcement agency may release to the public any photograph of the missing person that will, in the opinion of the law enforcement agency, assist in the location of the missing person. A law enforcement agency that releases a photograph under this subsection in good faith is not required to obtain written authorization for the release.

Sec. 10. (a) A law enforcement agency (if the law enforcement agency is not the state police department) that receives a report of a high risk missing person may notify the state police department of the high risk missing person and request the assistance of the state police department in locating the high risk missing person.

(b) The law enforcement agency that receives a report of a high risk missing person shall inform every appropriate law

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enforcement agency in Indiana of the high risk missing person. In addition, the law enforcement agency that receives a report of a high risk missing person may notify a law enforcement agency in another state if the state police department believes that the notification will assist in the location of the high risk missing person.

(c) The law enforcement agency that receives a report of a high risk missing person shall do the following:

(1) Enter information that relates to a missing person report for a high risk missing person into:

(A) the National Crime Information Center (NCIC) data base not more than two (2) hours after the information is received; and

(B) any other appropriate data base not more than one (1) day after the information is received.

(2) Ensure that a person who enters data relating to medical or dental records in a data base has the appropriate training to understand and correctly enter the information. The law enforcement agency that receives a report of a high risk missing person may consult with a coroner, a pathologist, or another medical professional to ensure the accuracy of the medical or dental information.

(d) A law enforcement agency that receives a report of a high risk missing person under this section shall immediately:

(1) instruct the agency's officers to be alert for the missing person, and a person who may have abducted the missing person, if applicable; and

(2) enter all collected information related to the missing person case into appropriate state or federal data bases.

SECTION 2. IC 12-10-18-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. A missing endangered adult is a high risk missing person under IC 5-2-17. A law enforcement agency receiving a report of a missing adult shall follow the procedures in IC 5-2-17 in addition to the procedures described in this chapter.**

SECTION 3. IC 31-36-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. A missing juvenile is a high risk missing person under IC 5-2-17. A law enforcement agency receiving a report of a missing juvenile shall follow the procedures in IC 5-2-17 in addition to the procedures described in this chapter.**

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SECTION 4. IC 34-30-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11.5. IC 5-2-17-8 (Concerning health care providers for disclosure of dental records or skeletal x-rays to a law enforcement agency).**

SECTION 5. IC 35-44-2-2, AS AMENDED BY P.L.140-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;

knowing the report to be false commits false reporting, a Class D felony.

(d) A person who:

- (1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
- (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official investigation of a missing child or missing endangered adult knowing the report or information to be false; ~~or~~

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3) that employs the officer:

- (A) alleging the officer engaged in misconduct while performing the officer's duties; and
- (B) knowing the complaint to be false; **or**

(6) makes a false report of a missing person, knowing the

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report or information is false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

SECTION 6. IC 36-2-14-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12.5. (a) A coroner shall make all reasonable attempts to promptly identify human remains, including taking the following steps:**

- (1) Photograph the human remains before an autopsy is conducted.**
- (2) X-ray the human remains.**
- (3) Photograph items found with the human remains.**
- (4) Fingerprint the remains, if possible.**
- (5) Obtain tissue, bone, or hair samples suitable for DNA typing, if possible.**
- (6) Collect any other information relevant to identification efforts.**

(b) A coroner may not dispose of unidentified human remains or take any other action that will materially affect the condition of the remains until the coroner has taken the steps described in subsection (a).

(c) If human remains have not been identified after thirty (30) days, the coroner or other person having custody of the remains shall request the state police to do the following:

- (1) Enter information that may assist in the identification of the remains into:**
 - (A) the National Crime Information Center (NCIC) data base; and**
 - (B) any other appropriate data base.**

(2) Upload relevant DNA profiles from the remains to the missing persons data base of the State DNA Index System (SDIS) and the National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for data base entry.

(3) Ensure that a person who enters data relating to medical or dental records in a data base has the appropriate training to understand and correctly enter the information.

(d) If unidentified human remains are identified as belonging to a missing person, the coroner shall:

- (1) notify the law enforcement agency handling the missing persons case that the missing person is deceased; and**

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(2) instruct the law enforcement agency to make documented efforts to contact family members of the missing person.

(e) No person may order the cremation of unidentified human remains.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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